

Hon. Judge David G. Estudillo
Trial Date: May 13, 2024

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON, AT TACOMA

LISA C. NEAL, an individual,

Plaintiff,

vs.

CITY OF BAINBRIDGE ISLAND, a
Washington State municipal corporation,

Defendant.

NO.: 3:20-cv-06025-DGE

**DECLARATION OF CHRISTOPHER L.
NEAL IN SUPPORT OF:**

**PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

I, Christopher L. Neal, declare under penalty of perjury under the laws of the State of Washington that the following is true and correct.

1. I am Plaintiff's attorney in this matter, and make the following declaration based upon my personal knowledge and the records in this matter.

2. Exhibit 1 to my Declaration is a true and correct copy of excerpted portions of Defendant's Answers to Plaintiff's Requests for Admission in this matter.

3. Exhibit 2 to my Declaration is a true and correct copy of the Minutes from the July 24, 2018, City Council meeting, which I downloaded from the City's website. The Minutes can be found at:

**C. NEAL DECLARATION ISO PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT - 1**
(Cause No. 3:20-cv-06025-DGE)

NEAL FIRM, PLLC
PO Box 11215
BAINBRIDGE ISLAND, WASHINGTON 98110
TELEPHONE (206) 317-3000

1 https://bainbridgewa.granicus.com/DocumentViewer.php?file=bainbridgewa_ad18b5a
2 [a-9da2-44ae-98f3-582bb919bb7f.pdf&view=1](https://bainbridgewa.granicus.com/DocumentViewer.php?file=bainbridgewa_ad18b5a).

3 4. Exhibit 3 to my Declaration is a true and correct copy of the Minutes from the
4 August 14, 2018, City Council meeting, which I downloaded from the City's website. The
5 Minutes can be found at:

6 https://bainbridgewa.granicus.com/DocumentViewer.php?file=bainbridgewa_03129f5
7 [5-55f7-48d6-8fa4-50b1475d529c.pdf&view=1](https://bainbridgewa.granicus.com/DocumentViewer.php?file=bainbridgewa_03129f5)
8

9 I declare under penalty of perjury of the laws of the State of Washington that the
10 foregoing is true and correct.
11

12 DATED this 12th day of January 2024, at Bainbridge Island, Washington.
13

14 /s/ Christopher L. Neal
15 Christopher L. Neal
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CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2024, I electronically filed the foregoing with the Clerk of the Court using the EM/ECF system, which will send notification of such filing to the following:

Jayne L. Freeman, WSBA #24318
Audrey M. Airut Murphy, WSBA #56833
KEATING, BUCKLIN & McCORMACK, INC., P.S.
801 Second Avenue, Suite 1210
Seattle, WA 98104
Phone: (206) 623-8861
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OGDEN MURPHY WALLACE PLLC
901 Fifth Avenue, Suite 3500
Seattle, WA 98164
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DATED: January 12, 2024

/s/ Christopher L. Neal
Christopher L. Neal

EXHIBIT 1

Hon. Judge David G. Estudillo
Trial Date: June 26, 2023

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON, AT TACOMA

LISA C. NEAL, an individual,

Plaintiff,

vs.

CITY OF BAINBRIDGE ISLAND, a
Washington State municipal corporation,

Defendant.

NO.: 3:20-cv-06025-DGE

**PLAINTIFF'S FIRST REQUESTS FOR
ADMISSION TO DEFENDANT**

AND ANSWERS THERETO

TO: City of Bainbridge Island, Defendant

AND TO: Jayne Freeman and Kari Lester, Attorneys for Defendant

GENERAL OBJECTIONS:

In light of the volume and scope of Plaintiff's First Requests for Admission to Defendant, the City relies on the Court's Order on Plaintiff's Motion to Compel Discovery, Dkt. 76, issued February 24, 2023 to object to the volume and scope of

**PLAINTIFF'S FIRST REQUESTS FOR ADMISSION
TO DEFENDANT and Def's Answers Thereto - 1
(Cause No. 3:20-cv-06025-DGE)**

KEATING, BUCKLIN & MCCORMACK, INC., P.S.
ATTORNEYS AT LAW
801 SECOND AVENUE, SUITE 1210
SEATTLE, WASHINGTON 98104-1518
PHONE: (206) 623-8861
FAX: (206) 223-9423

1 Plaintiff's Requests. Additionally, where requests for admission do not narrow the
 2 range of issues for trial but are " 'unreasonably cumulative' and 'duplicative' of other
 3 discovery taken in the case, the requests do not serve the purpose of Rule 36(a)" and
 4 are properly subject to objection. *K.C.R. v. Cnty. of Los Angeles*, 2014 WL 3433772, at *4
 5 (C.D. Cal. July 14, 2014)(concurring with weight of authority holding
 6 that requests for admission that do no more than ask a party to admit that a document
 7 or deponent stated a quoted sentence are objectionable on these grounds); *see also Van*
 8 *Wagenen v. Consolidated Rail Corp.*, 170 F.R.D. 86, 87 (N.D.N.Y.1997) (requests for
 9 admission that "simply restate sentences" from a previously authenticated document
 10 are "unreasonably duplicative and cumulative"); *Workman v. Chinchinian*, 807 F.Supp.
 11 634, 648 (E.D.Wash.1992) (requests for admission asking party to admit that a letter
 12 contained certain statements improper where the party had already admitted the
 13 authenticity of the letter and "the only purpose served by the admission would be to
 14 bolster the effect of the letter in attacking [the letter writer's] credibility"); In addition,
 15 "requests for admission should not be used to establish 'facts which are obviously in
 16 dispute,' *Lakehead Pipe Line Co. v. American Home Assur. Co.*, 177 F.R.D. 454, 458
 17 (D.Minn.1997), to 'demand that the other party admit the truth of a legal conclusion,'
 18 even if the conclusion is 'attached to operative facts,' or to ask the party to admit facts
 19 of which he or she has no special knowledge ." *Tuvalu v. Woodford*, 2006 WL 3201096
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1 *Given the unresolved status of an active lawsuit involving related matters and parties*
2 *filed with the United States District Court for the Western District of Washington, at*
3 *Seattle, against the City of Bainbridge Island, EB-2021-04, EB-2021-05, and EB-2021-*
4 *06 will continued [sic] to be tabled pending resolution of this legal action per Article*
5 *III.B.7.e of the City of Bainbridge Island Ethics Program."*

6
7 **Request No. 25:** Admit or deny that the 2018 Proposed Council Calendar Items
8 circulated by Christine Brown via email on June 11, 2018 had no Agenda Item related to
9 removal of a member from a citizen advisory committee. COBI 032569-32575.

10
11 ANSWER: Admit.

12 **Request No. 26:** Admit or deny that the June 26, 2018 City Council Agenda
13 included Item 8.I. "Consider Removal of Member from Citizen Advisory Committee, AB 18-
14 118, introduced by Mayor Medina."

15
16 ANSWER: Admit.

17 **Request No. 27:** Admit or deny that Agenda Item 8.I. was added to the agenda
18 by then-City Manager Morgan Smith on June 21, 2018. COBI 033318.

19
20 ANSWER: Morgan Smith, filling in for City Manager Doug Schulz in his absence
21 emailed a request for the City clerk to add an item to the agenda for the June 26, 2018
22 City Council meeting regarding "Consider Removal of a Member form citizen Advisory
23 Task Force."

1 **Request No. 31:** Admit or deny that Lisa Neal's June 13, 2018 email was
2 forwarded by Jennifer Sutton to Doug Schulze and Joe Levan on June 13, 2018. NEAL 2101.

3
4 ANSWER: Admit that Jennifer Sutton forwarded an email to Joe Levan and Doug
5 Schulz that contained a June 13, 2018 email from Lisa Neal in the email chain.

6 **Request No. 32:** Admit or deny that Sarah Blossom moved to remove Agenda
7 Item 8.I. from the Agenda on June 26, 2018.

8
9 ANSWER: Admit.

10 **Request No. 33:** Admit or deny that the Council Calendar for August circulated
11 by Christine Brown on July 2, 2018 did not include an Agenda Item regarding Removal of
12 Committee Member. COBI 32593-32599

13
14 ANSWER: Admit. By way of further response, the calendar items circulated included
15 "proposed council calendar items," and the email circulated requested input regarding
16 any additional items for July and August calendars.

17 **Request No. 34:** Admit or deny that on July 12, 2018, Kol Medina, Morgan
18 Smith, Sarah Blossom and Joe Deets communicated *via* email regarding "what to do in regards
19 to Mrs. Neal"? NEAL 2071-2072.

20
21 ANSWER: Admitted that Morgan Smith with a copy to Joe Deets and Sarah Blossom
22 on July 12, 2018: "Hi Sarah, what do you want to do in regards to Mrs. Neal? Feel free to
23 call if you want to discuss. Based on Morgan's email below, sounds like we'd need to
24 take action at our July 17th meeting."
25
26

1 **Request No. 35:** Admit or deny that on July 12, 2018, Morgan Smith and
2 Jennifer Sutton discussed Lisa Neal's membership on the Island Center Committee. NEAL
3 2071-2072.

4
5 ANSWER: Denied as stated. Upon information and belief, admit that a July 12, 2018
6 email from Morgan Smith to Kol medina includes the statement: "Jennifer Sutton
7 mentioned that she saw Sarah at the AHTF meeting last night, and it sounded as if Sarah
8 did have a conversation recently with Lisa Neal..."

9 **Request No. 36:** Admit or deny that on July 11, 2018, Jennifer Sutton and Sarah
10 Blossom discussed Lisa Neal's membership on the Island Center Committee. NEAL 2071-
11 2072.

12
13 ANSWER: Denied as stated. Upon information and belief, admit that a July 12, 2018
14 email from Morgan Smith to Kol medina includes the statement: "Jennifer Sutton
15 mentioned that she saw Sarah at the AHTF meeting last night, and it sounded as if Sarah
16 did have a conversation recently with Lisa Neal..."

17
18 **Request No. 37:** Admit or deny that on July 11, 2018, Lisa Neal and Sarah
19 Blossom discussed Neal's concerns regarding conflict of interest disclosures.

20
21 ANSWER: Objection. This Request seeks admission of information that is beyond the
22 Defendant City's immediate control. Without waiving the foregoing objectin, upon
23 information and belief, it is admitted that Lisa Neal and Sarah Blossom had a
24 conversation on or about July 22, 2018.

1 **Request No. 38:** Admit or deny that Councilmember Sarah Blossom suggested a
2 code of conduct for citizen committees at the July 24, 2018 City Council meeting.

3
4 ANSWER: Based on the public record of the City Council meeting, admit.

5 **Request No. 39:** Admit or deny that Sarah Blossom stated, in part, at the July 24,
6 2018 City Council meeting ". . . we've had a couple incidents now with, uh, members of citizen
7 committees that have sent out an email that could be viewed as offensive to other committee
8 members or incoming committee members. And, uh, I'm wondering, I was trying to in
9 discussions with, you know, other people thinking of a way to address it and maybe possibilities
10 having some kind of code of conduct for our citizen committees, um, about how they are to
11 treat each other. Um, I don't know if anyone's interested in that."

12
13 ANSWER: Based on the public record of the Council meeting, admit.

14 **Request No. 40:** Admit or deny that the updated Council Calendar for August
15 circulated by Christine Brown on July 30, 2018 included an Agenda Item regarding Removal
16 of Committee Member. COBI 32600; COBI 32601

17
18 ANSWER: Admit.

19 **Request No. 41:** Admit or deny that the Council Agenda for August 14, 2018
20 included Item 9.I. Consider Removal of Committee Member.

21
22 ANSWER: Admitted.

1 **Request No. 42:** Admit or deny that removal of Plaintiff from the Island Center
2 Subarea Planning Process Steering Committee was discussed in Executive Session on August
3 14, 2018.

4
5 ANSWER: Denied.

6 **Request No. 43:** Admit or deny that Lisa Neal was not notified of the August 14,
7 2018 Agenda Item regarding removing her from the Island Center Subarea Planning Process
8 Steering Committee.

9
10 ANSWER: The City is unable to admit or deny whether Lisa Neal was notified that
11 an agenda item regarding removal of a committee member was on the August 14, 2018
12 City Council meeting agenda. An email from Ron Peltier to Lisa Neal on August 14,
13 2018 at 12:28 states: "I would like to get together with you and Chris to talk about your
14 participation in the Island Center Steering Committee. Is that something you'd be
15 amenable to? I want you to be on the committee and think I might have some helpful
16 suggestions."

17
18 **Request No. 44:** Admit or deny that Lisa Neal was removed from the Island
19 Center Committee as retaliation for her June 13, 2018 email.

20
21 ANSWER: Defendant objects to this Request for Admission as improperly seeking
22 the motive of each individual local legislator in voting in favor of or against removing
23 Plaintiff from a volunteer City committee, and the Request also seeks a legal conclusion
24
25
26

KEATING, BUCKLIN & McCORMACK, INC., P.S.

Email: amurphy@kbmlawyers.com

DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that on February 27, 2023, a true and correct copy of the foregoing document was served upon the parties listed below via email:

Attorneys for Plaintiff

Christopher L. Neal, WSBA #25685
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Bainbridge Island**

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DATED this 27th day of February, 2023, at Seattle, Washington.

/s/LaHoma Walker

LaHoma Walker, Legal Assistant

EXHIBIT 2



SPECIAL CITY COUNCIL MEETING JULY 24, 2018

MEETING MINUTES

1) CALL TO ORDER/ROLL CALL

Mayor Medina called the meeting to order at 5:00 p.m. in Council Chambers.

Mayor Medina, Deputy Mayor Deets, and Councilmembers Blossom, Peltier, and Nassar were present. Councilmembers Schneider and Tirman were absent and excused.

2) EXECUTIVE SESSION

Mayor Medina recessed the meeting to an executive session with legal counsel pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. The doors to the Council Chambers were posted.

Mayor Medina reconvened the meeting at 6:05 p.m. with the aforementioned Councilmembers present and indicated that no action was taken during executive session.

3) APPROVAL OF AGENDA/CONFLICT OF INTEREST DISCLOSURE

Councilmember Peltier asked to add a discussion of additional capital improvement items under Unfinished Business. Councilmember Peltier moved and Councilmember Nassar seconded to approve the agenda as modified. The motion was approved by unanimous consent.

4) PUBLIC COMMENT

Gary Tripp commented on the sound system.

Bill Isley commented on connectivity.

Rick Meslang spoke about notifications.

5) CITY MANAGER'S REPORT

City Manager Schulze updated Council on the homeless encampment, emergency preparedness coordinator position, and his schedule.

6) MAYOR'S REPORT

Mayor Medina asked Bill Isley to send his proposal to the full Council. He commented on improving communications and the new agenda management program.

Public Comment

John Rosling requested notification by text messages.

7) CLOSED RECORD PROCEEDING

7.A Resolution No. 2018-22 Approving the Madison Grove Final Subdivision – Planning

Cover Page

Resolution No. 2018-22

Exhibit A Compliance Notation Report

Exhibit B - Performance Bonds

Exhibit C - Final Plat Res 2018-22

Exhibit D - Hearing Examiner Decision

Planner Tayara introduced the agenda item.

City Attorney Levan reviewed the procedures for a Closed Record Proceeding. There were no challenges relating to the Appearance of Fairness doctrine.

MOTION: I move to adopt Resolution No. 2018-22, approving the Madison Grove final subdivision.

Nassar/Deets: Motion carried 5 – 0.

AYES: Sarah Blossom, Ron Peltier, Rasham Nassar, Joe Deets, Kol Medina

NOES: None

ABSENT: Matt Tirman, Leslie Schneider

ABSTAIN: None

8) UNFINISHED BUSINESS

8.A Ordinance No. 2018-25 Relating to Landmark Tree Preservation

Cover Page

Ordinance No. 2018-25 Imposing an Interim Official Control related to Landmark Trees Approved 062618

Planning Director Christensen introduced the agenda item.

Public Comment

Olaf Ribeiro commented on the criteria for significant trees.

Mack Pearl commented on the criteria.

MOTION: I move to set the public hearing on Ordinance No. 2018-25 and to conduct that hearing on August 14, 2018, at the City Council Chambers.

Nassar/Peltier: Motion carried 5 – 0.

AYES: Sarah Blossom, Ron Peltier, Rasham Nassar, Joe Deets, Kol Medina
NOES: None
ABSENT: Matt Tirman, Leslie Schneider
ABSTAIN: None

8.B Planning Commission Recommendations Relating to Land Use Review and Approval Roles, Responsibilities, and Procedures, and Housing Design Demonstration Projects (HDDP)

[Cover Page](#)

[Staff Memo PC Recommendations re Land Use Review and Approvals](#)

[Summary of Land Use Review and Approval Procedures](#)

Senior Planner Carr introduced the agenda item. Council discussed the Planning Commission's recommendations.

Mack Pearl commented on the Planning Commission's role.

MOTION: I move to set a public hearing to be conducted on August 28, 2018, at the City Council Chambers regarding a proposed ordinance relating to Land Use Review and Approval Roles, Responsibilities, and Procedures, and Housing Design Demonstration Projects (HDDP).

Nassar/Peltier: Motion, as amended, carried 5 – 0.

AYES: Sarah Blossom, Ron Peltier, Rasham Nassar, Joe Deets, Kol Medina
NOES: None
ABSENT: Matt Tirman, Leslie Schneider
ABSTAIN: None

AMENDMENT TO MOTION: I am going to move to amend the motion so that the last part reads "Housing Demonstration Projects that do not provide 100% income-qualified housing."

Blossom/Deets: Motion carried 3 – 2.

AYES: Sarah Blossom, Joe Deets, Kol Medina
NOES: Ron Peltier, Rasham Nassar
ABSENT: Matt Tirman, Leslie Schneider
ABSTAIN: None

8.C Resolution No. 2018-21 Relating to the Use of Funds Raised by the Non-Motorized Transportation Improvements Ballot Measure - Mayor Medina

[Cover Page](#)

[Clean Version of Resolution 2018-21 re Use of NMT Ballot Funds](#)

[Redline of Resolution 2018-21 re Use of NMT Ballot Funds](#)

Mayor Medina introduced the agenda item, and Council discussed the resolution.

Public Comment

Eric Romano commented on safe routes to school.

Tom Golan spoke in favor of sidewalks.

Rich Weaver spoke about vegetation impeding the roadway.

MOTION: I move to amend the Resolution No. 2018-[21] so that the percentage allocation of funds for Safe Routes to School and Trails reads 30%, Shoulder Improvements reads 45%, and the Opportunity bucket will now read 10% with the 15% for Winslow Core unchanged.

Nassar/Deets: Motion carried 4 – 1.

AYES: Sarah Blossom, Rasham Nassar, Joe Deets, Kol Medina

NOES: Ron Peltier

ABSENT: Matt Tirman, Leslie Schneider

ABSTAIN: None

MOTION: I will move to approve Resolution No. 2018-21.

Peltier/Nassar: Motion carried 4 – 1.

AYES: Ron Peltier, Rasham Nassar, Joe Deets, Kol Medina

NOES: Sarah Blossom

ABSENT: Matt Tirman, Leslie Schneider

ABSTAIN: None

8.D Authorization for the City Manager to Pursue a Letter of Intent Related to the Acquisition of the Harrison Medical Center Building and Site - Executive

[Cover Page](#)

[Police - Court Presentation CC 17 Jul 2018](#)

[Fiscal Capacity Memo](#)

City Manager Schulze introduced the agenda item.

MOTION: I move to authorize the City Manager to pursue a letter of intent related to the acquisition of the Harrison Medical Center building and site.

Peltier/Deets: Motion carried 5 – 0.

AYES: Sarah Blossom, Ron Peltier, Rasham Nassar, Joe Deets, Kol Medina

NOES: None

ABSENT: Matt Tirman, Leslie Schneider

ABSTAIN: None

8.E Affordable Housing Task Force Final Report - Planning

Cover Page

AHTF Final Report

App A Affordable Housing Task Force Instructions

App B HOUSING ELEMENT

App C.1 AHTF Letter to Council re Suzuki (11/3/17)

App C.2 AHTF Letter to Council re Suzuki (11/7/17)

App C.3 Letter from AHTF to Council re Suzuki (12/7/17)

App C.4 AHTF Letter to Planning commission re Liveboards (11/20/17)

App C.5 AHTF Email to Council re Building Moratorium (2/25/18)

App C.6 AHTF Liveboard Letter to Council (3/29/18)

App C.7 AHTF Recommendation to Council re Vacation Rentals (5/9/18)

App D 2018 Bremerton-Silverdale MSA HUD Median Income Table

App E DRAFT Cottage Housing Ordinance (2002)

App F Sample Multi-Family Property Tax Exemption Ordinance

Affordable Housing Task Force Chair Althea Paulson provided a presentation on the task force's recommendations and addressed Council's questions.

Public Comment

Charlie Wenzlau commented on the work of the task force.

Brandon Fouts commented on affordable housing.

Patti Dusbabek commented on affordable housing and taxes.

Sunny Berdice spoke against increased density.

Bradley Scarp asked about affordable housing criteria.

Gloria Saylor spoke in favor of the report.

MOTION: I move to accept the Affordable Housing Task Force Final Report and to move forward this item to a future study session for further discussion.

Deets/Blossom: Motion carried 5 – 0.

AYES: Sarah Blossom, Ron Peltier, Rasham Nassar, Joe Deets, Kol Medina

NOES: None
ABSENT: Matt Tirman, Leslie Schneider
ABSTAIN: None

MOTION: I move to extend the term of the Affordable Housing Task Force beyond the delivery of its final report for the limited purpose of advocating for the Affordable Housing Task Force Recommendations and assisting and consulting with EcoNVV, Forterra, and the City Council on Affordable Housing issues. No new study or research topics will be assigned to the Affordable Housing Task Force during the extended term.

Medina/Deets: Motion carried 4 – 1.

AYES: Sarah Blossom, Rasham Nassar, Joe Deets, Kol Medina
NOES: Ron Peltier
ABSENT: Matt Tirman, Leslie Schneider
ABSTAIN: None

8.F Discussion of Additional Projects for Addition to the Capital Improvements Plan

Councilmember Peltier asked to add speed humps, shoulder improvements, and signage for Manitou Beach Drive to the Capital Improvements Plan.

Public Comment

Barbara Weaver spoke in favor of safety improvements on Point White.

MOTION: I move to add safety improvements to Manitou Beach Drive per the email.

Peltier/Deets: Motion carried 5 – 0.

AYES: Sarah Blossom, Ron Peltier, Rasham Nassar, Joe Deets, Kol Medina
NOES: None
ABSENT: Matt Tirman, Leslie Schneider
ABSTAIN: None

Councilmember Peltier asked to add non-motorized improvements to the Agate Pass Bridge to the Capital Improvements Plan. Councilmember Peltier moved and Councilmember Deets seconded to add the item to the Capital Improvements Plan. The motion was amended following a brief discussion.

AMENDED MOTION: I move to amend the motion to direct staff to go to WSDOT to discuss the proposed improvements to the Agate Pass Bridge.

Peltier/Deets: Motion carried 5 – 0.

AYES: Sarah Blossom, Ron Peltier, Rasham Nassar, Joe Deets, Kol Medina
NOES: None
ABSENT: Matt Tirman, Leslie Schneider
ABSTAIN: None

Councilmember Nassar asked staff to provide information on pedestrian improvements on High School Road between 305 and Madison.

Mayor Medina recessed the meeting at 8:15 p.m and reconvened the meeting at 8:26 p.m.

9) NEW BUSINESS

9.A Shoreline Management Program (SMP) Amendment for Critical Areas Ordinance Integration - Planning

Staff Memo re SMP Amendment - CAO Integration - 072018

Public Participation Program

Draft Work Plan 20180111

SMP Revisions to Public Hearing Draft 20180607

Cover Page

Senior Planner Carr introduced the agenda item.

Planning Commissioner Chester spoke about the process and the Planning Commission's recommendation.

Planning Commissioner Pearl spoke about the process and the Planning Commission's recommendation.

The Council discussed the topic with Planning Commissioners Chester and Pearl.

Misty Blair, Department of Ecology, commented on the department's process.

Public Comment

Michael Zigich spoke in favor of the recommendations of the Planning Commission.

Keith Butler expressed concerns with the process.

Hal Snow spoke against the process.

Bradley Scarp spoke against the process.

Dick Haugan raised concerns with the public process and the Shoreline Master Program.

MOTION: I would like to move forward with the combined process for addressing CAO integration and non-conforming issues as they relate to the SMP.

Peltier/Nassar

AMENDED MOTION: Councilmember Peltier moved to combine the CAO integration amendment and the non-conforming amendment into one amendment and move that forward and Councilmember Deets seconded the motion.

Motion carried 5-0.

AYES:	Sarah Blossom, Ron Peltier, Rasham Nassar, Joe Deets, Kol Medina
NOES:	None
ABSENT:	Matt Tirman, Leslie Schneider
ABSTAIN:	None

9.B Ordinance No. 2018-28 Relating to 2018 Federal Emergency Management Agency Floodplain Code Amendment – Planning

Cover Page

Ordinance No 2018-28 - FEMA Floodplain Code Update

Planning Director Christensen introduced the agenda item.

MOTION: I move to set a public hearing on Ordinance No. 2018-28 to be held as part of the August 14, 2018 business meeting.

Nassar/Deets: The motion was approved by unanimous consent.

9.C Interlocal Agreement and Use Agreement for RideAlong Application – Police

Cover Page

Interlocal Agreement for RideAlong Labs Services

RideAlong App Use Agreement

Chief Hamner introduced the agenda item.

MOTION: I move to forward for approval with the August 14, 2018, consent agenda both the Interlocal Agreement for RideAlong Labs Services and the RideAlong App Use Agreement.

Peltier/Nassar: The motion was approved by unanimous consent.

9.D Ordinance No. 2018-27 Amending the Start Time of City Council Regular Meetings

Cover Page

Ordinance No. 2018-27 - Amending Start Time of City Council Regular Meetings

City Attorney Levan introduced the agenda item.

MOTION: I move to adopt Ordinance No. 2018-27, changing the start time of the City Council's regular meetings to 6:00 p.m.

Nassar/Deets: The motion was approved by unanimous consent.

10) CONSENT AGENDA

10.A Agenda Bill for the Consent Agenda.

Cover Page

Mayor Medina noted that there were minor changes made to the purchase of mobile audio video cameras to add in sales tax, and the July 26, 2018 meeting minutes have been replaced by the version provided on the dais.

10.B Payroll and Accounts Payable

[Cover Page](#)

[Payroll](#)

[Report to Council of Cash Disbursements 07-25-18](#)

Accounts Payable: last check number 347981 from previous run = \$347.38; manual check number sequence 347982 – 347991 for \$74,114.15; regular check number sequence 347992 – 348125 for \$233,012.60. Total disbursement = \$307,126.75.

Payroll: normal direct deposit check sequence 042232 - 042367 for \$327,383.16; regular payroll check sequence 108606 - 108610 for \$6533.59; vendor check run sequence 108611 – 108623 for \$129,818.74; Federal Tax Electronic Funds Transfer for \$129,530.22. Total disbursement = \$593,265.71.

10.C Special City Council Business Meeting Minutes, June 26, 2018

[Cover Page](#)

[Special City Council Meeting Minutes, June 26, 2018](#)

10.D Regular City Council Business Meeting Minutes, July 10, 2018

[Cover Page](#)

[Regular City Council Business Meeting Minutes, July 10, 2018](#)

10.E Purchase of Mobile Audio Video Cameras for Police - Police

[Cover Page](#)

[Quote - Axon Interview Room REVISED.pdf](#)

[Quote - Evidence.com REVISED.pdf](#)

[Quote - Fleet Package REVISED.pdf](#)

[Scope of Work - Axon Interview Room.pdf](#)

[Axon MSPA.pdf](#)

10.F Request for Proposals for 2019-2020 Human Services Awards - Executive

[Cover Page](#)

[2019-2020 Draft RFP for Human Services Funding](#)

[2015 City Council Discussion Summary](#)

10.G Interlocal Agreement with Kitsap Public Utility District Relating to Rockaway Beach Water System - Public Works

[Cover Page](#)

[ILA with KPUD for Emergency Water System Intertie](#)

MOTION: I move to approve the Consent Agenda, as modified.

Peltier/Nassar: The motion was approved by unanimous consent.

11) COMMITTEE REPORTS

11.A Multi-Modal Transportation Advisory Committee Regular Meeting Minutes, May 2, 2018 - Deputy Mayor Deets

[Cover Page](#)

[Multi-Modal Transportation Advisory Committee Regular Meeting Minutes, May 2, 2018](#)

11.B Multi-Modal Transportation Advisory Committee Regular Meeting Minutes, June 13, 2018 - Deputy Mayor Deets

[Cover Page](#)

[Multi-Modal Transportation Advisory Committee Regular Meeting Minutes, June 13, 2018](#)

11.C Utility Advisory Committee Meeting Regular Meeting Minutes, June 27, 2018 – Councilmember Nassar

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[Utility Advisory Committee Meeting Regular Meeting Minutes, June 27, 2018](#)

11.D Puget Sound Regional Council (PSRC) Growth Management Board Report, July 5, 2018 - Councilmember Peltier

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[Puget Sound Regional Council Growth Management Board Report, July 5, 2018](#)

Councilmember Peltier commented on the PSRC meeting on July 5, 2018.

Mayor Medina noted that Councilmember Nassar has conflict between PlanPOL and the Environmental Technical Advisory Committee.

12) FOR THE GOOD OF THE ORDER

Councilmember Blossom suggested a code of conduct for citizen committees.

Councilmember Blossom commented on the Resolution relating to the Ballot Measure.

City Attorney Levan asked for input on dates for a proposed land use workshop.

Councilmember Peltier inquired about the regulation of homeless camps.

13) ADJOURNMENT

Mayor Medina adjourned the meeting at 9:47 p.m.

/s/
Kol Medina, Mayor

/s/
Christine Brown, City Clerk

EXHIBIT 3



REGULAR CITY COUNCIL BUSINESS MEETING
AUGUST 14, 2018

MEETING MINUTES

1) CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

Mayor Medina called the meeting to order at 6:16 p.m. in Council Chambers.

Mayor Medina, Deputy Mayor Deets, and Councilmembers Blossom, Peltier, Nassar, Tirman, and Schneider were present.

2) APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

Councilmember Peltier asked to add a discussion of possible additions to the Capital Improvement Plan under New Business. Councilmember Nassar asked to add a discussion of the Environmental Technical Advisory Committee chair under item 9(I). Councilmember Peltier moved and Councilmember Nassar seconded to approve the agenda, as modified. The motion was approved by unanimous consent.

3) PUBLIC COMMENT

Steve Rabago spoke about an upcoming proposal for public art.

Bonnie McBryan commented on the resignation of the City Manager.

4) MAYOR'S REPORT

Mayor Medina provided an update on filling the City Manager vacancy and invited City Manager Schulze to provide clarification on the article in the Kitsap Sun. City Manager Schulze provided clarification.

Mayor Medina mentioned Ward meetings will be scheduled in September.

5) CITY MANAGER'S REPORT

City Manager Schulze provided an update on staff departures, community broadband and WIFI, Emergency Preparedness vacancy interviews, ballot measure communications, Kitty Hall, and the land use workshop.

6) PRESENTATION(S)

6.A Presentation by Puget Sound Energy (PSE) on Green Direct Program

Cover Page

Green Direct Overview CC 14Aug2018

PSE Green Direct Cost Model-Aug 2018

PSE - Renewable Energy Services Agreement

PSE Customer Cover Letter (Legal) - Example

Heather Mulligan from Puget Sound Energy provided a presentation on the Green Direct program. Deputy City Manager Smith recommended the 10-year term and provided information on participation from City accounts.

Public Comment

Brandon Fouts inquired about the cost.

MOTION: I move to forward for approval as part of the August 28, 2018, Council Business meeting the Green Direct service agreement with Puget Sound Energy, with a contract term of 10 years and with participation from all non-utility City accounts.

Blossom/Tirman: The motion carried unanimously, 7-0.

7) PUBLIC HEARING(S)

7.A 6:25 PM Ordinance No. 2018-25 Relating to Landmark Tree Preservation - Planning

Cover Page

Ordinance No. 2018-25 Imposing an Interim Official Control related to Landmark Trees Approved 062618

Planning Director Christensen introduced the agenda item. City Attorney Levan provided information on the emergency passage of the ordinance. Planning Director Christensen provided information on the updated recommendation from the Planning Commission.

Mayor Medina opened the public hearing at 7:15 pm.

Public Comment

Josh Potter from Puget Sound Energy requested an exemption from the ordinance.

Adam Matschek spoke against the ordinance.

Tom Chiado expressed concerns with the ordinance.

Mike Juneau spoke about the arborist's proposal.

Charles Schmid spoke in favor of the interim ordinance.

Bonnie McBryan spoke about the emergency passage of the ordinance.

Mayor Medina closed the hearing at 7:35 p.m.

MOTION: I move to amend Ordinance No. 2018-25 for the authority to grant removal of a Landmark Tree so that the approval rests with the Planning Director.

Blossom/Tirman: The motion carried unanimously, 7-0.

The City Attorney will come back to Council with an ordinance for approval.

7.B Ordinance No. 2018-28 Relating to 2018 Federal Emergency Management Agency Floodplain Code Amendment – Planning

[Cover Page](#)

[Ordinance No. 2018-28 - FEMA Floodplain Code Update](#)

Planning Director Christensen introduced the agenda item.

Mayor Medina opened the public hearing at 7:48 p.m. There was no public comment. Mayor Medina closed the public hearing at 7:48 p.m.

MOTION: I move to approve Ordinance No. 2018-28 relating to the 2018 FEMA floodplain code amendment.

Blossom/Nassar: The motion carried unanimously, 7-0.

8) UNFINISHED BUSINESS

8.A 2018 Midyear Report on Citywide Workplan Priorities - Executive

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[2018 Workplan-Midyear Report](#)

Deputy City Manager presented the 2018 Midyear Report.

8.B 7:10 PM Resolution No. 2018-17 Stating the Council's Intention to Approve an Ordinance Creating the Powers of Initiative and Referendum - Councilmember Peltier

[Cover Page](#)

[Resolution No. 2018-17 Relating to Initiative and Referendum Powers](#)

[Draft Ordinance - BI Initiative Referendum Powers](#)

[MRSC Initiative and Referendum Guide](#)

Councilmember Peltier introduced the agenda item, and Council discussed the resolution.

Public Comment

Jon Quitslund spoke against the resolution.

MOTION: I move to approve Resolution No. 2018-17.

Nassar/Peltier: Motion failed 3 – 4.

AYES: Ron Peltier, Rasham Nassar, Matt Tirman
NOES: Sarah Blossom, Joe Deets, Leslie Schneider, Kol Medina
ABSENT: None
ABSTAIN: None

9) NEW BUSINESS

9.A Ordinance No. 2018-19 Modifying BIMC Chapter 16.18 Land Clearing and BIMC Section 18.15.010 with Consideration for "Landmark Tree" Regulations - Planning,

Cover Page

CC Staff Memo

Ordinance No. 2018-19 Tree Regulations

Exhibit A 2018-19 Ch 16.18

Ordinance No. 2018-25 Imposing an Interim Official Control related to Landmark Trees Approved 062618.pdf

Planner Sutton introduced the agenda item.

Public Comment

Charles Schmid commented on the need for an arborist.

Brandon Fouts commented on the need to clarify the regulations.

Mike Juneau spoke about the arborist's proposal.

Council will discuss the topic further at a future study session.

9.E Ordinance No. 2018-30, Establishing a Fee-In-Lieu Option for Certain Lots with Affordable Housing Restrictions - Executive

Cover Page

Draft - Ordinance No 2018-30 - Establishing a Fee-In-Lieu Option for Certain Lots with Affordable Housing Restrictions

HRB Calculations for Affordable Selling Price for a Residential Building Lot

Mayor Medina asked to move up agenda item 9.E, and there was no objection. Deputy City Attorney Sepler introduced the agenda item.

Public Comment

Sally Kuhn clarified her proposal.

Sarah Sydor commented on the proposal from Housing Resource Board's perspective.

MOTION: I move to refer Ordinance No. 2018-30 to the Planning Commission for its review, a public hearing, and its recommendation, as required under Chapter 2.16 of the Bainbridge Island Municipal Code.

Deets/Blossom: The motion carried unanimously, 7-0.

Mayor Medina recessed the meeting for a break at 9:07 p.m. and reconvened the meeting at 9:19 p.m.

9.B Waterfront Park Bridge Repair Project - Public Works

[Cover Page](#)

[2013 KPFF Waterfront Park Bridge Assessment Final Report](#)

Public Works Director Loveless introduced the agenda item.

MOTION: I move to forward the award of the Waterfront Park Bridge Repair Project to the September 11, 2018 unfinished business agenda.

Nassar/Tirman: The motion was passed by unanimous consent.

9.C 2018 Midyear Report - Finance

[Cover Page](#)

[2018 Midyear Financial Report](#)

[Attachments A - G Budgetary Reports](#)

[Attachment H Surplus Property Report - 2018](#)

[Attachment I Project Status Jul 18 2018](#)

[Mid Year Report CC 081418 Powerpoint Slides](#)

Budget Manager Dunscombe provided a presentation on the 2018 Midyear Report.

9.D Ordinance No. 2018-29 Relating to 2018 Midyear Budget Amendments - Finance

[Cover Page](#)

[Ordinance No. 2018-29 Relating to 2018 2nd QTR Budget Adjustments](#)

[2nd QTR BUA CC 081418 Powerpoint Slides](#)

Budget Manager Dunscombe introduced the agenda item.

MOTION: I move that the City Council forward to the August 28, 2018, Consent Agenda Ordinance No. 2018-29, amending the City's 2018 budget and CIP.

Nassar/Deets: The motion carried unanimously, 7-0.

9.F Commercial/Residential Ratio for Mixed Use Development in Central Winslow - Planning

[Cover Page](#)

BIMC Table 18.12.020-3

Central Winslow Zoning Map

Senior Planner Sutton introduced the agenda item, and Council discussed the topic.

MOTION: I move that the City Council direct staff to develop an ordinance to modify Footnote 2 of BIMC Table 18.12.020-3 and begin the ordinance legislative process with the Planning Commission provided that any changes include a provision for mandatory affordable housing.

Blossom/Tirman: The motion carried unanimously, 7-0.

Public Comment

Jon Quitslund spoke in favor of updating the Winslow Master Plan.

9.G Appointment of Bainbridge Island Representative to Bremerton Kitsap Access Television's Public Access Citizens Advisory Committee - Mayor Medina

BTAK - Crittenden (Redacted).pdf

Mayor Medina introduced the agenda item.

MOTION: I move to forward the appointment of Beth Crittenden as the Bainbridge Island Representative to Bremerton Kitsap Access Television's Public Access Citizens Advisory Committee to the August 28, 2018 Consent Agenda.

Tirman/Schneider: The motion was passed by unanimous consent.

9.[Added] Additional Capital Improvement Plan Items – Councilmember Peltier

Councilmember Peltier moved to add improvements to Valley Road to the Capital Improvement Plan. Deputy City Manager Smith provided information on the recommended process.

Councilmember Peltier withdrew his motion in light of the upcoming discussion at the August 28, 2018 City Council meeting.

9.H City Manager Search Process - Executive

Cover Page

Mayor Medina introduced the agenda item, and Council discussed the topic. Deputy City Manager Smith summarized the process previously used.

9.I Consider Removal of Committee Member - Mayor Medina

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Mayor Medina introduced the agenda item, and Council discussed the topic.

Public Comment

Jon Quitslund spoke about the issue.

MOTION: I move that the Council remove Island Center Steering Committee member Lisa Neal.

Blossom/Nassar: Motion carried 5 – 2.

AYES: Sarah Blossom, Joe Deets, Matt Tirman, Leslie Schneider, Kol Medina

NOES: Ron Peltier, Rasham Nassar

ABSENT: None

ABSTAIN: None

Councilmember Nassar spoke about an interpersonal conflict between the Chair of the Environmental Technical Advisory Committee and committee members, and Council discussed the topic.

MOTION: I move that Council remove Frank Gremse as chair of the Environmental Technical Advisory Committee.

Peltier/Tirman: The motion carried unanimously, 7-0.

10) [CONSENT AGENDA](#)

10.A Agenda Bill for Consent Agenda

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10.B Accounts Payable and Payroll

[Cover Page](#)

[Report to Council of Cash Disbursements 08-15-18](#)

[Payroll](#)

Accounts Payable: last check number 3481251 from previous run = \$121.87; ACH numbers 305, 307,308, 309 for \$3485.61; EFT number 306 for \$7919.38; manual check number sequence 348126 – 348146 for \$163,208.62; regular check number sequence 348147 – 348271 for \$521,617.63. Total disbursement = \$685,659.52.

Payroll: normal direct deposit check sequence 042368 – 042501 \$296,226.72; regular payroll check sequence 108624 - 108628 for \$6752.68; vendor check run sequence 108629 – 108643 for \$308,075.10; Federal Tax Electronic Funds Transfer for \$115,510.92. Total disbursement = \$726,565.42.

10.C Special City Council Meeting Minutes, July 17, 2018

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[Special City Council Meeting Minutes, July 17, 2018](#)

10.D City Council Study Session Minutes, July 17, 2018

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City Council Study Session Meeting Minutes, July 17 2018

10.E Special City Council Meeting Minutes, July 24, 2018

Cover Page

Special City Council Meeting Minutes July 24 2018

Mayor Medina asked if any Councilmember wanted to pull an item from the Consent Agenda, and there were no requests.

MOTION: I move to approve the Consent Agenda, as presented.

Peltier/Schneider: The motion was approved by unanimous consent.

11) COMMITTEE REPORTS

12) FOR THE GOOD OF THE ORDER

Councilmember Peltier commented on the public comment received at this evening's meeting.

Council agreed that a special meeting for land use training will be scheduled for August 27, 2018 at 6:00 p.m.

13) ADJOURNMENT

Mayor Medina adjourned the meeting at 11:04 p.m.

/s/
Kol Medina, Mayor

/s/
Christine Brown, City Clerk